

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

UNITED STATES OF AMERICA

v.

Criminal No. 3:19cr130

OKELLO T. CHATRIE,

Defendant.

ORDER

This matter comes before the Court on Defendant Okello T. Chatrie's Notice of Satisfaction of Requests in Geofence Discovery Motion (the "Notice"). (ECF No. 99.) The United States responded. (ECF No. 100.)

Chatrie previously filed multiple motions, including a Motion for Discovery Regarding Government's Use of Google's Sensorvault Data (the "Motion for Discovery"), (ECF No. 28), and a Motion to Suppress Evidence Obtained from a "Geofence" General Warrant (the "Geofence Motion to Suppress"), (ECF No. 29). After the Court held a hearing on the Motion for Discovery, Chatrie sought and obtained a subpoena duces tecum to be served on Google. (ECF Nos. 82, 83.) Google responded to the subpoena, (ECF No. 96), and Chatrie filed a "Notice of Satisfaction with Google Response to Subpoena Duces Tecum," stating that "[t]he affidavits that Google filed in response to the subpoena satisfy the requests in the subpoena duces tecum," (ECF No. 97).

In the Notice, Chatrie states that "the affidavits that Google filed in response . . . to . . . Chatrie's subpoena duces tecum . . . and additional information received from the government up through today satisfy the discovery requests" in the Motion for Discovery. (Notice 1, ECF No. 99.) Therefore, Chatrie asserts that "the Court can deny as moot the requests made in" the Motion for Discovery. (*Id.*)

As to the remaining pending motions, Chatrie requests that “the Court schedule a date for the evidentiary hearing for the [G]eofence [M]otion to [S]uppress.” (*Id.*) Chatrie suggests that the Court schedule the hearing for June 2020. Based on the information he received in discovery and throughout the “investigative process to this point,” Chatrie also “requests an opportunity to supplement his [G]eofence [M]otion to [S]uppress in the intervening timeframe to aid the Court’s understanding of how this information relates to the legal issues that the [G]eofence [M]otion to [S]uppress . . . raises.” (*Id.* 2.) Chatrie proposes that the Court set May 15, 2020, as the deadline for this supplemental briefing. (*Id.* 3.)

In response, the United States avers that the Court should set the hearing for the Geofence Motion to Suppress for July 2020. In support, the United States maintains that its “expert witness is unavailable in June after June 10, 2020,” and also “the dates of July 14, 2020 through July 17, 2020.” (Resp. Notice 1, ECF No. 100.) The United States asserts that its expert is available on all other dates in July.

As to Chatrie’s request for supplemental briefing, the United States “does not object to supplemental briefing of the Geo[f]ence warrant suppression issue as a general matter.” (*Id.*) The United States explains that “the suppression hearing will feature dueling expert testimony,” and, therefore, believes that “any supplemental briefing seems more appropriate following the suppression hearing.” (*Id.* 2.) The United States believes that “[d]oing so in that order likely permits the Court to fully gauge what, if any, issues deserve additional consideration and to avoid disjointed briefing of the central issue in this case.” (*Id.*) However, should the Court grant Chatrie’s request for supplemental briefing before the hearing on the Geofence Motion to Suppress, the United States requests that the Court allow it to respond to Chatrie’s supplemental briefing.

Based on the information presented in the Notice and the United States' response, the

Court:

- (1) DENIES AS MOOT the Motion for Discovery, (ECF No. 28);
- (2) SCHEDULES an in-person hearing—addressing all evidence and all arguments—on the Geofence Motion to Suppress, (ECF No. 29), on July 2, 2020 at 9:30 a.m.;
- (3) REQUIRES Chatrie and the United States no later than June 25, 2020, to file witness and exhibit lists identifying each expert they expect to call and each exhibit they expect to introduce at the July 2, 2020 Hearing;
- (4) CONCLUDES that because it will allow the Court to better prepare for the July 2, 2020 Hearing, Chatrie SHALL file any supplemental briefing on the Geofence Motion to Suppress no later than May 15, 2020. The United States SHALL file any response no later than May 29, 2020.
- (5) ALERTS Chatrie and the United States that because it will allow the Court to better address the pertinent issues, following the July 2, 2020 Hearing, the Court will likely request that the Parties provide additional briefing addressing the evidence presented and the arguments made at the July 2, 2020 Hearing. The Court will set a specific deadline for this briefing following the July 2, 2020 Hearing.

It is SO ORDERED.

Date: April 13, 2020
Richmond, Virginia



M. Hannah Lauck
United States District Judge